SUPREME COURT, U. S.

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JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1969.

No. 364.

JOHN W. CAMPBELL,

Petitioner,

v.

F. W. GOOCH, JR., CAPT. U. S. N., Commander, Philadelphia Naval Shipyard,

CHARLES PROUD, Civilian Employee of the Federal Government, Director of Industrial Relations, Philadelphia Naval Shipyard,

S. P. RYDER, Civilian Employee of the Federal Government, Director, Philadelphia Region U. S. Civil Service Commission,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

PETITION FOR REHEARING OF ORDER DENYING CERTIORARI.

JOHN W. CAMPBELL,
57 Foster Avenue,
Sharon Hill, Pa. 19079.
In Propria Persona,
for the Petitioner.

Huntzinger Printing Corp., *Appellate Printers*, Camden, N. J.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

PETITION FOR REHEARING OF ORDER DENYING CERTIORARI.

Petitioner respectfully requests that this Court grant rehearing of its order dated October 13, 1969, which denied certiorari, and that the Court now grant certiorari.

REASONS FOR GRANTING THIS PETITION FOR REHEARING.

Petitioner desires to submit argument regarding intervening circumstances of substantial effect, and other substantial grounds not previously presented.

Petitioner's case raised three primary questions:

(1) Can Chief Judge Thomas J. Clary deny a layman processing his own case under 28 U. S. C. 1654 full access to the workings of the Court?

(2) Can Chief Judge Thomas J. Clary deny Petitioner his full rights under Article III of the Constitution?

(3) Can Chief Judge Thomas J. Clary deny Petitioner his full rights under the Fifth Amendment to the Constitution?

Petitioner considers these questions substantial and worthy of the Supreme Court rendering a decision on them because question (1) directly concerns approximately 118,465,000 people in the United States of voting age who someday might desire to process their own case in a court of law. Questions (2) and (3) concern 202,882,000 people who someday might seek justice in a court of law.

Due Process—Judge Clary's Interpretation. Petitioner was summoned to appear on September 26, 1968 before Judge Clary in Civil Actions Nos. 42527 and 68-349. As a result

of hearing, Judge Clary issued an order dated September 30, 1968 pertaining to Civil Actions Nos. 42527, 68-349, 68-1157, 42466 and 43136.

Due process calls for notice. *Shapiro v. Thompson,* 89 S. Ct. 1322; *Armstrong v. Manzo,* 85 S. Ct. 1187, and *Mullane v. Central Hanover Bank & Trust Co.,* 70 S. Ct. 652, 656.

Excerpt from Transcript p. 3 of proceedings before Judge Clary:

> "THE COURT: ... Mr. Campbell, do you have a lawyer?
>
> MR. CAMPBELL: No, Your Honor. I represent myself.
>
> THE COURT: All right. Let me say this to you: You have made charges of serious import against the clerk, the Court, or the operation of the Court. A New York lawyer did that not too many months ago and for the next four days he was at Holmesburg for contempt of Court.
>
> MR. CAMPBELL: Right, Your Honor.
>
> THE COURT: Now, I point that up to you, that there is one thing we do not permit, someone to attack the integrity or dignity of the Court.
>
> MR. CAMPBELL: Right, Your Honor.
>
> THE COURT: You are an intelligent person. With that warning, I am asking you now, are you prepared to proceed or do you want to consult with counsel?
>
> MR. CAMPBELL: I am prepared to proceed, Your Honor."

A fair hearing presupposes an impartial trier of the facts. *Monroe v. Pape,* 365 U. S. 167; *DeWitt v. Pail,* 366 F. 2d 682.

If the Supreme Court does not grant Petitioner Certiorari, it would be a travesty of justice if Judge Clary's interpretation of due process is permitted to set precedent.

INTERVENING CIRCUMSTANCES OF CONTROLLING EFFECT.

The Court in its October, 1969, Term has agreed to hear the following cases:

(1) A case dealing with New York cutting the welfare payments, which involves approximately 1.3 million people.

(2) A case which raises the question whether a state may deny voting rights to persons living within a Federal reservation or enclave in that state.

(3) A case which raises the question whether the state of Ohio can prevent a person from taking the bar examination because said person would not state whether or not he belonged to an organization advocating the violent overthrow of the government.

Petitioner feels that the questions presented to the Court by the above three mentioned cases are minimal in comparison to the substantial questions presented by Petitioner's case, and the possible 118,465,000 people or 202,882,000 people whose rights could be affected. The Supreme Court represents the ultimate authority within the framework of our judicial institutions, and to deny Petitioner certiorari would make a mockery of our orderly system of justice.

CONCLUSION.

For the reasons set forth in this petition for rehearing, as well as in the petition for certiorari previously filed, rehearing and certiorari should now be granted.

Respectfully submitted,

JOHN W. CAMPBELL,
In Propria Persona,
For the Petitioner.

CERTIFICATE OF COUNSEL.

Pursuant to Rule 58, I hereby certify that the foregoing Petition for Rehearing is presented in good faith and not for delay, and is restricted to the grounds specified in paragraph 2 of Rule 58.

JOHN W. CAMPBELL.

November, 1969.